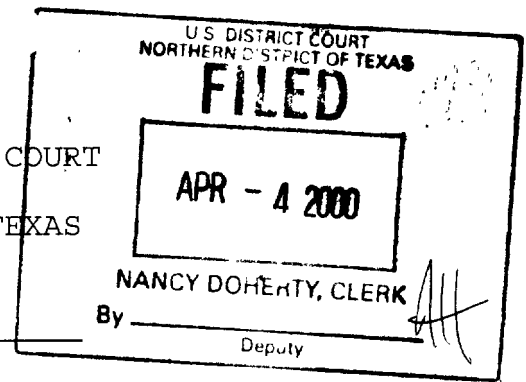


ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



UNITED STATES OF AMERICA

v

FLOYD OLLIS RICHARDS

(1)

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CR. NO. 3:99-CR-084-X

GOVERNMENT'S MOTION FOR DOWNWARD DEPARTURE IN
THE SENTENCING GUIDELINES PURSUANT TO U.S.S.G. § 5K1.1

COMES NOW the United States of America, by and through the United States Attorney for the Northern District of Texas, and files this Motion for Downward Departure in the Sentencing Guidelines Pursuant to U.S.S.G. § 5K1.1 and would show the Court as follows:

I.

In its plea agreement with the defendant, Floyd Ollis Richards, the government agreed to consider filing a motion requesting a downward departure in the sentencing guidelines if the defendant complied with the plea agreement and with U.S.S.G. § 5K1.1. Mr. Richards has complied with the provisions of both the plea agreement and with U.S.S.G. § 5K1.1.

II.

Prior to the case being indicted, the defendant appeared

before the grand jury and provided information regarding his involvement with Defendant Lipscomb¹. The information supplied to the grand jury assisted it and the government in furthering the investigation.

The defendant was also interviewed by FBI agents regarding his involvement with Defendant Lipscomb, other Dallas and Fort Worth city council members as well as other crimes about which he may have knowledge. The defendant provided very useful information pertaining to the involvement of his coconspirator, Defendant Lipscomb, and others. The defendant's information was and is helpful to the government in prosecuting his codefendant, Defendant Lipscomb, and in evaluating the conduct of other council members with regard to whether to continue the investigation.

The defendant testified at Defendant Lipscomb's trial. Presumably, his testimony assisted the jury in determining that Defendant Lipscomb was guilty. Prior to the case being transferred to Amarillo, Defendant Richards agreed to plead guilty and cooperate with the government. Defendant Richards

¹ Use of the defendant's testimony was restricted and protected by an agreement between Richards's lawyer and the government. Richards's provided truthful testimony on many of the key points alleged in the government's case against he and Lipscomb.

initiated the contact with the government about reaching a plea bargain agreement.

III.

The government requests that the court depart downward from the guideline range because Richards has provided substantial assistance in the investigation and prosecution of another person who has committed an offense. U.S.S.G. § 5K1.1. He has provided useful information regarding another person's involvement in criminal activity. Id.

IV.

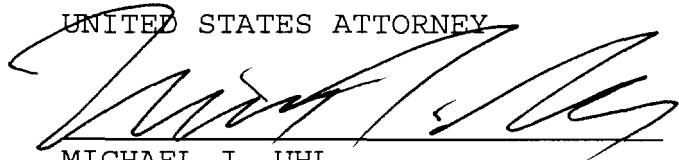
The presentence report sets the guideline range at level 20 and the criminal history category at I. The resulting guideline range is 33-41 months, a Zone D sentence. Because of Richards's cooperation (and his anticipated continued cooperation, if necessary), the government recommends that the court depart downward 8 levels. After consideration of the defendants's objections and any requests for a downward departure separate from this motion, assuming the total offense level remains at level 20, if the court grants this motion and adopts the recommended amount of departure of 8 levels, the resulting total offense level would be 12, which sets the guideline range at 10-16 months in Zone C. In such a case, the government recommends that the defendant be sentenced to a combination of a

imprisonment sentence and a home confinement sentence with supervised release, as required by U.S.S.G. § 5C1.1(d)(2).

If the court determines that the total offense level, after consideration of the defendant's objections and request for downward departure, is in Zone B, the government requests that the defendant be sentenced pursuant to U.S.S.G. §§ 5C1.1(c)(2) or (3).

WHEREFORE, PREMISES CONSIDERED, the United States respectfully prays that this Motion for Downward Departure in the Sentencing Guidelines be granted.

Respectfully submitted,
PAUL E. COGGINS
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read "Michael J. Uhl", is written over a horizontal line.

MICHAEL J. UHL
Assistant United States Attorney
Texas State Bar No. 20371050
1100 Commerce, Third Floor
Dallas, Texas 75242
(214) 659-8680

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served on Reed Prospere, counsel of record, by placing the same in the United States mail this 4th day of April 2000 and a copy was served on the United States Probation officer.

A handwritten signature in black ink, appearing to read 'Michael J. Uhl', written over a horizontal line.

MICHAEL J. UHL
ASSISTANT UNITED STATES ATTORNEY